

(d) will the Government be pleased to lay on the table of the House a list of applications for assignment of areas more than 10 acres now pending final orders of the Diwan Peishkar or of the Government?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—(a), (b) and (c). The collection of statistics called for is a very laborious task, and the Government do not consider that any useful purpose will be served by it. If the Member wants any information in regard to any particular case of assignment, it will be arranged to be supplied to him on requisition being made to the Tahsildar of the Taluk concerned.

(d) The question, as it stands, cannot be answered consistently with the rules in force regarding the assignment of lands.

The constitution of the Government of Cochin.

214. Mr. K. T. Mathew.—Will the Government be pleased to state whether the Diwan alone constitutes the Government of our State; and if not, who all constitute the Government of our State?

Mr. A. K. Vengu Ayyar.—The answer to the former part of the question is in the negative. As regards the latter part, the Member is referred to the introductory note to the latest *Administration Report* (para 5) and to the *Cochin State Manual* (Chapter XIV, p. 357).

Mr. K. T. Mathew.—I have referred to the introductory notes and *Administration Reports*. I do not find the word "Government" there. In the *Manual* also there is not the word "Government".

◆ **Mr. A. B. Salem.**—I was told in all seriousness about that.

President.—The seriousness still continues.

Mr. N. Padmanabha Menon.—In the *Civil List*, the "Government" is in a way defined.

President.—The expression "Government" is not seen there.

Mr. K. T. Mathew.—I want to understand, when petitions are addressed to Heads of Departments, whether they are considered to have been addressed to the Government; and in the same way, whether petitions submitted to His Highness are considered to be sent to the Government. I want to know, Sir, whether His Highness, the Diwan and the Heads of Departments are included in the term "Government".

President.—So far as administration is concerned, the Government is charged with the administration of the State, and

the administration is conducted, and that is the function of the Government. Is it not so, Mr. Salem?

Mr. A. B. Salem.—The difficulty, Sir, is this; when you use the word "Government" in Acts and Regulations, what are we to understand? That word is defined neither in the General Clauses Act nor anywhere else.

President.—Is it possible to define that word and make it clear, Mr. Achyuta Menon?

Mr. K. Achyuta Menon.—We shall consider the matter.

President.—We have been carrying on the Government for such a long time, and that expression is used in a number of Regulations dating from 1010 to 1101. I think that the word "Government" came into use at the time of Mr. Vijayaraghavacharya. I have seen for a long time that proceedings were issued as "Proceedings of the Diwan of Cochin." In Sir Vijayaraghavacharya's time there was a change. It was changed into "Proceedings of the Government of Cochin," and after he left service, and when Mr. Narayana Menon took charge, the old system revived as "Proceedings of the Diwan of Cochin" and still continues, so that the "Diwan of Cochin" was used for a long time in Proceedings as the "Government of Cochin." And as has been pointed out, it was a source of authority and all that.

Mr. A. B. Salem.—There you find the word "British Government" Sir. That is defined. The Government of India Act has defined what the Government is.

President.—They are certain constitutional and parliamentary Governments and all that. Here we have not got all those things, you see. His Highness cannot rule—carry on the administration—except through officers appointed by His Highness. The Diwan is the chief executive officer, and he has under him a number of Departmental Heads.

Mr. A. B. Salem.—In England, the word "Government" denotes Cabinet Ministers and nobody else. Parliament is not the Government. "His Majesty's Government" means "His Majesty's Ministers."

President.—Here we have not got those ministers. There they come and go according as they command the majority in the House of Commons. After some time, they are sent away. Here they are all permanent. They are there for a specified period and so on. Here they are retained, and to some, extensions are granted. Of course, it is not right to say that our Government is one [similar to His Majesty's Government. Have we not got some clear conception of what the Government of Cochin is constituted? There are some impressions about that. They do not help us to know what the Government means.

Mr. A. B. Salem.—The only difficulty is we have got Government servants. Are we to understand by the word "Government" the whole of the service put together from top to bottom? Are we to understand that only a portion of it is the guiding factor? I mean to say whether all those who are in the service of the Government, even though they draw only 15 or 20, are to be included in the term "Government".

Mr. K. T. Mathew.—Are petitions addressed to Heads of Departments considered to be sent to the Government?

President.—They have got certain duties assigned to them. So far as those duties are concerned, they have got the power of final disposal in those matters. You have; for instance, the transfer of registry. This is a matter, I think, connected with the Land Revenue Department. The Tahsildar is the sole authority. You need not address the Diwan Peishkar. Then, for assignments of lands, I suppose the Diwan has got the right. The Diwan must be approached for that. Thus there are specific—what you call—allotment of work, division of labour, something like that. The less important are assigned to the Tahsildar, the more important come to the Head of the Department, and the still more important go to the Diwan. In any case, you have got a right to memorialise His Highness or petition His Highness. So far as the administration is concerned, they have to be carried on in the way in which they are appointed. That is a case we have to look into. If you want to have a particular matter enquired into and disposed of, you must first see who has got the final authority in regard to that matter. You may address the Diwan direct. What the Diwan will do is, he will forward it to his subordinate officers for recommendations or report. There are other matters in which you may address the Diwan Peishkar or any of the Heads of Departments. If it is a matter to be taken to the notice of the Diwan, he sends it up with his recommendations or his report. In other cases I don't think it necessary to bring it to the notice of the Diwan. By actually working in the administration, we know a lot of these things. But to an onlooker, there may be some difficulty in understanding these things.

Mr. A. B. Salem.—We want only these things to be defined. I do not want to take the trouble of familiarising myself with the Standing Orders and all that.

President.—Officers are to work in so many departments. *Departmental Manuals* will give you a clear idea as to how the work of each department is done. I suppose your eye must have caught some of these *Manuals*.

Mr. A. B. Salem.—We know what service they have to do.

President.—They will show what work is assigned to each department, what is the scope of its authority, in what all cases they have got to take the sanction of the Government or the Diwan; and similarly, for the Diwan, in what all cases he has to obtain the sanction of His Highness—all these are controlled and regulated by *Departmental Manuals*; and for general principles or general orders, we have got the *Standing Orders*. So far as the service is concerned, we have got the *Civil Service Regulations*. I do not think these are all new. These are all copied from the British publications. Sir Banerji made earnest attempts to compile these things. These *Manuals* are taken up for revision now and then. The Diwan Peishkar told me the other day about the revision of the *Land Revenue Manual*. Our *Excise Manual* is still under preparation. It has not come out. The *Devaswam Manual* is still under preparation. I do not think we have got a complete set of all the *Manuals*.

Mr. A. K. Vengu Ayyar.—The *Police Manual* is under revision.

President.—We have got *Manuals* for all departments. But so far as the Excise and Devaswam Departments are concerned, there is no *Manual* at all. Such is the complexity of the machinery. Unless you read all these things, by lecture or speech the idea could not be fully conveyed.

Mr. K. T. Mathew.—When memorials are submitted to His Highness, are they not petitions addressed to the Government?

President.—Petitions addressed to the Government must be addressed to the Diwan. Of course, people have got the right of memorialising His Highness. His Highness receives them, and His Highness simply forwards them to the Diwan for action or suitable recommendations. Even if it goes to His Highness, it comes to the Diwan.

Mr. K. T. Mathew.—Petitions addressed to Heads of Departments—are they not petitions addressed to the Government?

President.—They must be. They are only a link in the chain. They form as it were part of one block. They are connected with the Government so that, if you do anything—if you submit a petition to them, it is really to the Government. But the only difficulty is they have got powers of final disposal in certain matters, and they have got powers of recommendation in some other matters. So far as matters in which they have got power of final disposal are concerned, it is open to them to grant or refuse. In so far as matters in which they have got

powers of recommendations are concerned, if they think that it is a proper case for bringing to the notice of the Government, they do so. Otherwise they do not.

Mr. A. B. Salem.—Our difficulty was this. When we read constitutional history and so on, we find that civil service has absolutely nothing to do with politics.

President.—Civil list?

Mr. A. B. Salem.—Civil list means civil service. Government servants have got absolutely nothing to do with politics whatsoever. They are there to register and to carry out the orders of the Government. It is the duty of the Government to change orders from time to time. There are *the Standing Orders* or *Manuals*; the officers carry out them. We have found that the anomaly in Cochin is due to the fact that the civil service and the Government are amalgamated. That is our difficulty.

President.—What do you mean by civil service?

Mr. A. B. Salem.—Civil service means officers of the Government. Properly speaking, the Diwan of Cochin will be the Government of Cochin. For the purpose of carrying on the administration, we want civil servants, so that it is not right to identify the Government with them. They do not constitute the Government by themselves.

President.—They are necessary for the purpose of carrying on the Government.

Mr. A. B. Salem.—They are necessary for the purpose of carrying out the orders of the Government.

President.—In this case they form part of the Government.

Mr. A. B. Salem.—In a house you have got servants. They must carry out the orders of the house. They together form one house. But still they are apart. In the same way, the civil servants are apart from the Government.

President.—I cannot understand this 'apart'. They are helping the Government in carrying on the administration. Without them we cannot carry on the administration.

Mr. A. B. Salem.—We want them. Their duty is to carry out orders and not to pass orders.

President.—There are certain cases where they could pass orders.

Mr. A. B. Salem.—The authority to pass the order is not in them.

President.—It is conferred on them to carry out the order. By virtue of the office they hold, they get the authority to pass the order. For instance, an officer is now appointed as Munsiff. At once he gets the right of exercising official functions so that,

by virtue of his office, he does a certain thing, which must be considered as part of the duties pertaining to the Government.

Mr. A. B. Salem.—But he cannot change any of those *Standing Orders*.

President.—Have you got concrete instances? "Such and such a difficulty has arisen; what are we to do?" Ask me; I shall try to make you understand, which would be better than putting such abstract questions with reference to the clearing of atmosphere with reference to constitution, etc. Put a case of doubt; let us try to look into it and solve it.

Mr. S. F. Nunez.—Mr. Salem has raised a false analogy. In Madras, for instance, they have got a Minister of Education and the Director of Public Instruction. The functions are divided there. In our State there are no such ministers.

President.—And then he referred to British Cabinet Ministers and all that.

Mr. S. F. Nunez.—There, whichever ministry comes in, and whichever ministry goes out, the department goes on. But here such a thing is not possible. Each department has to carry out certain functions. The analogy cannot be applied.

President.—It is not to say like that; if you put concrete instances, I may be able to solve the difficulty to the best of my power.

Mr. K. T. Mathew.—Memorials submitted to His Highness cannot be considered as addressed to the Government?

President.—I mean all power and all authority is in His Highness. But His Highness stands apart. His Highness is not expected to concern Himself with details of administration, receiving petitions, passing orders and all that sort of thing. Therefore, the moment His Highness receives memorials He sends them to the Diwan. Everything has to pass through the Diwan.

Mr. K. T. Mathew.—Only to make myself clear, suppose a memorial or petition is submitted to His Highness. Will such a memorial or petition be received by the *Government*? I want to know that.

President.—So that, if you say that a memorial has been presented to His Highness the Maharaja, His Highness always forwards these memorials to the Diwan for consideration or disposal or for taking such action as he deems proper. If the Diwan considers any memorial a proper matter for being dealt with, he submits it back with suitable recommendation. That is how it is done. If you say that any memorial has been submitted to His Highness the Maharaja, we have to look into all the records to say whether such a memorial has been submitted. As a

matter of fact, any memorial submitted to His Highness is sent to the Diwan. That is the practice.

Petitions addressed to Heads of Departments are petitions addressed to the Government.

There is this difficulty. You send a petition to the Head of a Department, and you ask the Government whether such a petition has been received by the Government. Then we want to know to which Head of the Department the petition has been sent. If we can understand from your question that it pertains to a particular department, we can give an answer.

Suppose you submitted a petition to the Superintendent of Agriculture and Panchayats. The petition has been presented to the Government. Of course, we can supply the answer, if you give us particulars that you have addressed it to such and such a Departmental Head. We will refer to the Head of the Department whether he has received any petition from you. That is the way in which it is dealt with.

The wedding present to the Political Agent.

215. Mr. T. A. Ramachandra Ayyar.—Will the Government be pleased to state —

(a) whether the State has contributed anything towards the wedding presents of the Hon'ble the Political Agent (Mr. C. W. E. Cotton) to the Governor-General, Madras States ;

(b) if so, the amount that has been so spent ;

(c) whether the the Government have communicated the matter (before utilising such amount) to the Political Agent, and, if so, the reply, if any, the Government have received there?

Mr. A. K. Vengu Ayyar.—(a) No.

(b) and (c). In view of the answer to (a), no answers are called for.

216. Mr. T. A. Ramachandra Ayyar.—Will the Government be pleased to state —

(a) whether they have obtained the sanction of the Paramount Power for making such a present ;

(b) the rules governing such presents to officers of British Indian Service ?

Mr. A. K. Vengu Ayyar.—(a) The question does not arise in view of the answer to question 215 (a).

(b) No attempt was made to know the rules.

217. Mr. Poulo Mampilli.—Will the Government be pleased to state if the amount spent from State funds to give a wedding present to Mr. C. W. E. Cotton has been made good to the State ?